

ORDINANCE No. _____
AN ORDINANCE AMENDING THE CITY OF WHITEWATER KEY LOCK BOX ORDINANCE

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, do ordain as follows:

SECTION 1. Whitewater Municipal Code Chapter 14.15 is hereby amended to read as follows:

14.15.010	Declaration of Purpose
14.15.020	Key Lock Box System
14.15.030	Installation
14.15.040	Maintenance
14.15.050	Contents of Lock Box
14.15.060	Security of Lock Box Access Keys
14.15.070	Exceptions to Requirement to Install a Key Lock Box System
14.15.080	Penalties
14.15.090	Invalid Provisions

14.15.010 Declaration of Purpose.

- A. The City of Whitewater, Wisconsin Common Council hereby determines that the health, safety, and welfare of the citizens of the City of Whitewater, Wisconsin are promoted and safeguarded by requiring certain structures to have a key lock box installed on the exterior of the structure to aid the Whitewater Fire Department Inc. and City of Whitewater Police Department to gain access to the structure when the same is not occupied, when the occupants are unable to grant ingress and for other legal purposes. However, this ordinance shall not grant Whitewater Fire Department Inc. or the City of Whitewater Police Department a greater right to enter into any building than what would be legally allowed without this ordinance.
- B. The key lock box system will reduce the need for forced entry into structures and should avoid costly and time-consuming efforts in gaining access to locked structures during an emergency.
- C. This chapter will provide for a method for rapid response entry into and throughout locked buildings in emergency situations where time may be of the essence for protection of public health and property.

14.15.020 Key Lock Box System.

- A. The following structures shall be equipped with a key lock box at or near the main entrance or such other location as required by the Fire Chief.
 - 1. Schools, whether public or private.
 - 2. Any building: (a) with a fire detection or suppression system that will cause the City to be notified of an alarm; (b) a general or interconnected fire alarm system; or (c) that has an external audible fire alarm.
 - 3. Any commercial or industrial building that has a common wall(s) between units in the building or a common wall(s) with another building. Commercial and industrial buildings shall mean buildings where any industry, trade or business is carried on or where any process or operation, directly or indirectly related to any industry, trade or business, is carried on and where any person is employed by another for direct or indirect gain or profit.

4. Multi-family residential structures comprised of three (3) or more units in which access to a common area or mechanical or electrical rooms within the building is denied through locked doors.
5. Municipal buildings and locked gates leading to building(s) that are required to have a lock box installed.
6. University buildings and locked gates leading to building(s) that are required to have a lock box installed.
7. [INTENTIONALLY LEFT BLANK]
8. Nursing homes, Community Based Residential Facilities, and Residential Care Apartment Complexes.
9. Business Park buildings.
10. Buildings with occupants required to prepare hazardous chemical inventory forms under the Superfund Amendments and Reauthorization Act (SARA).
11. All new commercial and industrial construction. Installation shall be completed prior to the issuance of an occupancy permit.
12. All commercial and industrial structures with structural remodeling building permits that were issued from _____[INSERT ORDINANCE AMENDMENT DATE].
13. [INTENTIONALLY LEFT BLANK]
14. All commercial structures in the downtown area. For the purpose of this ordinance, the downtown area shall be defined as all areas included in the below description and shown on the attached map:
 - East of Fourth Street (between Whitewater Street and Center Street) including the east side of Fourth Street
 - South of Center Street (between Fourth Street and Fremont Street) including the south side of Center Street
 - East of Fremont Street (between Center Street and North Street) including the east side of Fremont Street
 - North of Whitewater Street (between Fourth Street and Main Street) including the north side of Whitewater Street
 - South of Whitewater Street (between Second Street and Main Street) including the south side of Whitewater Street
 - South of North Street (between Fremont Street and Whitewater Creek) including the south side of North Street
 - West of Whitewater Creek between North Street and Main Street
 - Main Street (between Whitewater Street and Whitewater Creek) including both sides of Main Street
15. All nonresidential buildings with cooking facilities.
16. All buildings where acetylene or similar torches are used.
17. All buildings that have occupants that hold a “Hot Work Permit.”

- B. The Fire Chief shall designate the type of key lock box system to be implemented within the city.

14.15.030 Installation.

- A. All lock boxes shall be installed on the lock side of the main business door.
- B. All lock boxes shall be flush or surface mounted between five (5) and seven (7) feet from the ground to the center of the entry if possible.

- C. In the event that the rapid entry box system cannot be installed at the aforesaid location and/or height, the Fire Chief may designate in writing a different location and installation specifications.
- D. All realty and/or property with an electronic security gate shall have the lock box installed outside of the gate.
- E. The Fire Chief or his or her designee must approve any changes in the installation.

14.15.040 Maintenance. The operator of the building shall immediately notify the Fire Chief whenever locks are changed so that new keys may be installed in the box.

14.15.050 Contents of Lock Box. Keys for the following shall be contained in the lock box:

- A. Locked points of ingress or egress, whether on the interior or exterior of such buildings.
- B. A master key for any residences.
- C. Mechanical rooms
- D. Elevators and control rooms.
- E. Fire alarm panels.
- F. Any special keys to reset pull stations or other fire protective devices.
- G. Any other areas as requested by the Fire Chief.

14.15.060 Security of Lock Box Access Keys.

- A. No personnel shall carry a lock box key except while carrying out an authorized use.
- B. All lock box access keys shall be secured in a lock box in City or Fire Department vehicles.
- C. The Fire Department and the Police Department will maintain a record documenting all uses of lock boxes.

14.15.070 Exceptions To Requirement To Install A Key Lock Box System. The following structures are encouraged to, but are exempt from the mandate to install a key lock box system:

- A. Structures not listed in 14.15.020 are not required to install a lock box unless ordered to do so by the Fire Chief.
- B. Structures that have 24 hour, 365 day on-site security or other personnel.
- C. Businesses that are open and staffed 24 hours, 365 days per year.
- D. Rental storage facilities where there are locks on the separate storage units; however, locked entry security gates will require a lock box.
- E. Residential complexes with multiple buildings will not be required to place key lock boxes on every building but may, at the owner's option, place key lock boxes that serve other buildings on centralized buildings that are within 100 feet of the other buildings.
- F. The Fire Chief may make exceptions at his/her sole discretion.

14.15.080 Penalties. Any person, entity, or corporation that has violated any provisions of this ordinance or who has failed to comply with any order issued by the Fire Chief, or his/her designee, shall, upon conviction before the proper judicial authority, pay a forfeiture of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) per day for each violation, together with the cost of prosecution. Each day a violation continues shall be considered a separate offense. These penalties shall not apply until January 1, 2017.

15.15.090 Invalid Provisions. If any sentence, clause or section or any part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or

sections or parts of the same contained in this Ordinance. It is hereby declared as the intent of City of Whitewater, Wisconsin Common Council that this Ordinance would have been adopted even if such unconstitutionality, illegality or invalid sentence, clause or section or part thereof had not been included therein.

Ordinance introduced by Council Member _____, who moved its adoption.

Seconded by Council Member _____.

AYES:

NOES:

ABSENT:

ADOPTED:

Cameron Clapper, City Manager

Michele R. Smith, City Clerk